

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SPECIAL TREE, LTD. d/b/a
SPECIAL TREE REHABILITATION SYSTEMS,
and SPECIAL TREE NEURO CARE CENTER, LTD.
d/b/a SPECIAL TREE NEURO CARE CENTER,
(as assignee of James Simpson),
Plaintiff,

Case No.
Hon:

-v-

L.C. Case No: 22-007784-NF

HORACE MANN INSURANCE COMPANY and
HORACE MANN PROPERTY & CASUALTY
INSURANCE COMPANY a/k/a
HORACE MANN EDUCATORS CORPORATION,

Defendants.

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**NOTICE OF FILING REMOVAL OF CAUSE TO THE UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN,
SOUTHERN DIVISION**

TO: The United States District Court
Judges of the Above Court

NOW COMES, Defendants herein HORACE MANN INSURANCE COMPANY and HORACE MANN PROPERTY & CASUALTY INSURANCE COMPANY a/k/a HORACE MANN EDUCATORS CORPORATION, by and through undersigned attorneys, and pursuant to 28 U.S.C.A. § 1332, 1441, and 1446, herewith files the within Notice of Removal pursuant to said statutes for the following reasons:

1. That on or about June 29, 2022, there filed, and is now pending in the Circuit Court for the County of Wayne, State of Michigan, a certain Complaint in civil action bearing Civil Docket No. 22-007784NF in which SPECIAL TREE, LTD. d/b/a SPECIAL TREE REHABILITATION SYSTEMS, and SPECIAL TREE NEURO CARE CENTER, LTD d/b/a SPECIAL TREE NEURO CARE CENTER are Plaintiffs and your Defendants are HORACE MANN INSURANCE COMPANY and HORACE MANN PROPERTY & CASUALTY INSURANCE COMPANY a/k/a HORACE MANN EDUCATORS CORPORATION. (Exhibit A - Complaint).

2. That Plaintiff's complaints sought specified damages including future damages in excess of Seventy-Five Thousand (\$75,000.00) Dollars.

3. As such, pursuant to 28 U.S.C.A. § 1446(a), 28 U.S.C.A. § 1446(b)(3) and 28 U.S.C.A. § 1446(c)(3)(A) said action is a suit at common law of a civil

nature, and the amount claimed, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00).

4. Defendant here with shows that said action involves a controversy with complete diversity of citizenship between citizens of different states and that Defendant affirmatively states that:

a. Plaintiff entities are now, and at the time of the commencement of this action, corporate residents, and citizens of the State of Michigan

b. Your Defendants are, at the commencement of this action, are now and ever since has been corporations duly created and organized under the laws of the State of Delaware or State of Illinois with their principal place of business in Illinois and by virtue of said organization, was and is a resident and citizen of the State of Delaware and State of Illinois, and was not and is not a corporation created or organized under the laws of the State of Michigan, and does not have its principal place of business in Michigan, and was not and is not a citizen of the State of Michigan.

c. Your Defendants do not have its principal place of business in Michigan, nor was it a citizen of the State of Michigan at any time material hereto whatsoever. That the principal place of business of Defendants is within the State of Illinois at all times material hereto.

5. That, therefore, this is a controversy between citizens of the State of Michigan, on the one hand, as Plaintiffs, and with complete diversity as to your corporate Defendants, who has its principal place of business in a state other than Michigan, and have been incorporated or organized pursuant to the laws of states other than Michigan, and thus, the controversy is wholly between citizens of different states involving a controversy of more than Seventy-Five Thousand Dollars (\$75,000.00) and that, with respect to said action, said action is one over which the District Court of the United States has been given original jurisdiction hereunder.

6. That the amount sued for and involved in the controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and that your Defendant, has filed an Answer in the Circuit Court for the County of Wayne, and that your Defendant, pursuant to 28 U.S.C.A. § 1446(3) now files this Notice of Removal within thirty (30) days of ascertaining that this case is one which is removable based upon Plaintiff's Complaint and attachments. 28 U.S. Code 1446(3) This case remains fully removable pursuant to the statutes above-cited for the within reasons.

7. That attached hereto and made a part hereof is a copy of the Complaint, Defendants Answer to Complaint, Affirmative Defenses, and Jury Demand and any other initial pleadings or other papers setting forth the claim for

relief upon which the action is based by Plaintiff against this Defendant and that the time for filing of this Notice of Removal under the statutes of the United States have not expired and is herewith made timely. (**Exhibit A**).

8. That a true and correct copy of this Removal has been filed with the Clerk of the Court for the Circuit Court for the County of Wayne, State of Michigan, and notice of the filing of the removal has been given to all parties as required by law. (**Exhibit B** – Notice of Removal).

9. That there is filed herewith, and reference is made hereto, and made a part hereof, a true and correct copy of all process and pleadings which have been served upon this Defendant in this action.

WHEREFORE, your Defendants, Illinois and Delaware corporations with principal place of business in Illinois prays, by undersigned counsel, that it may effect removal of the within action from the Circuit Court for the County of Wayne, State of Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division.

Respectfully submitted,

ZAUSMER, PC

/s/A. Adam Post

JAMES C. WRIGHT (P67613)

A. ADAM POST, II (P75321)

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Dated: October 6, 2022

PROOF OF SERVICE

The undersigned certifies that copies of the foregoing document(s) was/were served upon all parties via e-mail and first class mail by placing same in envelopes addressed to each of the attorneys of record at their respective addresses as disclosed on these pleadings on October 6, 2022.

/s/Hope Houle

HOPE HOULE

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